

**OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management**

MEMORANDUM OM 05-18

December 9, 2004

TO: All Regional Directors, Officers-in-Charge
and Resident Officers

FROM: Richard A. Siegel, Associate General Counsel

SUBJECT: Pilot Program Re: Electronic Submission of Complaints and Decisional
Documents to the Division of Operations-Management

As a part of his commitment to quality casehandling, the General Counsel has decided to reinstate on a pilot basis, the requirement that Regional Directors submit to the Division of Operations-Management a copy of each complaint issued along with the decisional document in the case.¹ We will initiate the program immediately and re-evaluate the program in one year. Based on our assessment at that time, we will determine whether to continue or modify the program.

Reinstatement of this practice will assist in the management of the litigation and 10(j) programs in the Field. In FY 2004 the litigation success rate remained below historic levels. In addition, the number of 10(j) submissions to the Injunction Litigation Branch in FY 2004 declined significantly. Collecting and reviewing all complaints and decisional documents in the Division of Operations-Management will assist the General Counsel in overseeing these important programs. We will be able to use the information gathered to provide more appropriate training and other assistance to ensure that the General Counsel's initiatives in these areas are pursued to their fullest. In addition, we will be able to better facilitate information sharing among the Regions with respect to best practices.

In order to take advantage of technological developments, we are modifying the prior complaint submission procedure to require electronic submission of the appropriate documents. Therefore, effective immediately, an electronic copy of each complaint should be forwarded to the Division of Operations-Management immediately upon issuance. The complaint should be accompanied by an electronic copy of the decisional document in the case.²

¹ This procedure had been set forth in former Casehandling Manual Section 10272. The requirement to submit complaints to the Division of Operations-Management was eliminated in Memorandum GC 94-10, dated September 8, 1994, as one of a number of clearance and submission reduction measures.

² It is our expectation that the decisional document will set forth the theory of the alleged violations, a summary of the evidence and, where appropriate, the rationale for the 10(j) decision.

Regions are requested to submit these documents via e-mail to your Assistant General Counsel or Deputy.³

All Regions must complete the subject listing on the e-mail (i.e., the "**SUBJECT:**" portion of the e-mail after the addresses) by typing the case name or shortened case name and the Region's full case number. Since the subject caption can only accommodate approximately 60 characters or spaces, it may be necessary to shorten the case name. However, in order to allow for searches in the e-mail system, the full case number must be included in the subject line. For example, Case 54-CA-12345 involving Smithfield, Inc. a/k/a Smithfield Company d/b/a Smithfield Services and the Local Widget Union, would have the following subject line: "Smithfield, Inc., Case 54-CA-12345." If a complaint involves consolidated cases, i.e., a proceeding having more than one case number, please type in the subject line only the first case number listed on the complaint caption. For example, if the Smithfield, Inc. case included Cases 54-CA-22222 and 54-CA-22225, the subject line would contain only the first case number, 54-CA-22222. The date of issuance of the complaint should be included in the text of the e-mail message as "Month/Day/Year", e.g., 02/27/2004. Having this information in the text of the e-mail message will allow for e-mail searches in Headquarters by date of issuance.

Any questions concerning this memorandum should be directed to me or your Assistant General Counsel or Deputy. Thank you for your cooperation.

/s/
R.A.S.

cc: NLRBU
Release to the Public

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³ It is often that case that the Agenda Minute or Final Investigative Report reflecting the Regional Director's decision in a case will bear handwritten notes or concurrences. These additions to the WORD document need not be entered electronically. If the document contains these additions, it may be submitted by data fax transmission or scanned and transmitted electronically in that format.